

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BAO XUYEN LE, as Personal Representative
of the Estate of TOMMY LE; HOAI "SUNNY"
LE; and DIEU HO,

Plaintiffs,

vs.

REVEREND DR. MARTIN LUTHER KING
JR. COUNTY; and KING COUNTY DEPUTY
SHERIFF CESAR MOLINA,

Defendants.

No. 2:18-CV-00055-TSZ

DECLARATION OF GIRMAY
ZAHILAY IN SUPPORT OF KING
COUNTY'S MOTION TO QUASH
AND FOR PROTECTIVE ORDER

I, Girmay Zahilay, declare under penalty of perjury under the laws of the United States and the State of Washington that, to the best of my knowledge, the following is true and correct:

1. I am over the age of 18 years and am competent to testify as to the matters stated herein.
2. I am a member of the King County Council, representing District 2, and

assumed that position on January 6, 2020.

DECLARATION OF GIRMAY ZAHILAY IN SUPPORT
OF KING COUNTY'S MOTION TO QUASH AND FOR
PROTECTIVE ORDER - 1

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- 1 3. One of my responsibilities as a King County councilmember includes serving
2 as the chair of the King County Council Law and Justice Committee.
- 3 4. On September 2, 2020, I chaired a Law and Justice Committee meeting
4 remotely with six other King County councilmembers. One of the matters on
5 the agenda at that meeting was a systemic review by the Office of Law
6 Enforcement Oversight (OLEO) of the June 14, 2017, officer-involved shooting
7 of Tommy Le.
- 8 5. At that hearing, then-OLEO Director Deborah Jacobs provided a briefing of
9 the OLEO report, remarks were provided by members of the Le family as
10 well as by Mr. Michael Gennaco, the author of the OLEO report and King
11 County Sheriff Mitzi Johanknecht.
- 12 6. I, along with other King County councilmembers, asked questions of the
13 various speakers and made comments during the committee meeting, which
14 was recorded and videotaped. This is the usual fashion in which committee
15 meetings are maintained during the COVID-19 pandemic.
- 16 7. The questions I asked and the comments I made at this committee meeting
17 were done so in my capacity as a King County councilmember. I view the
18 questions I asked about the June 14, 2017, officer-involved shooting involving
19 Mr. Le to have been done within my legislative capacity and activities.
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1 8. It is my opinion that if I was subjected to a deposition for remarks I made in
2 my capacity as a councilmember regarding legislative actions, it would have
3 an adverse effect on legislative tasks and legislative independence.

4 9. I did not view my remarks made at the September 2, 2020, meeting to be
5 made on behalf of the entire King County Council, nor did I view my remarks to
6 be made on behalf of King County in any civil litigation arising out of the June
7 14, 2017, incident.
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9 DATED this 21st day of December, 2020, at Seattle, Washington.

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12 GIRMAY ZAHILAY
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